



The New Public Charge Rule: Information for Immigrants in The State of Illinois

Over the last few months, the issue of Public Charge has been very present on the national stage; on February 24th, the new Public Charge Final Rule will go into effect.

A “Public Charge” is someone who is, or who is likely to become, dependent on government benefits and social services. The concept of a Public Charge is not new, but in August of 2019, USCIS published a change to the Public Charge Rule, increasing the number of considerations for inadmissibility as a public charge. Since then, numerous injunctions have been filed to prevent the rule from going into effect, including one injunction specific to the State of Illinois. Up until last week, (Feb. 17-22, 2020), Illinois was exempt from the new public charge rule because of that injunction. On February 21st, however, the Supreme Court decided to stay the injunction for the State of Illinois, meaning that immigrants in Illinois will be affected just as immigrants in other areas of the country.

The implementation of the new Public Charge Rule means that the United States Citizenship and Immigration Services and the Department of State will begin to deny admission to those likely to become a public charge under the new guidelines.

AS OF FEBRUARY 24, 2020:

Anyone seeking to come to, or to stay in the United States (temporarily or on a permanent basis as a Legal Permanent Resident), will be subject to the criteria of the new Public Charge Rule. Under this rule, an individual will need to provide new, additional information in their application including information about their current health status, their education level, their family, their income level, any assets or liabilities, and their history of receipt of any public benefits, in addition to an Affidavit of Support from a sponsor.

If an individual is using, or has used, any of the following public benefits, they will likely be considered inadmissible under the new Public Charge Rule: Cash Assistance for Income Maintenance (TANF, SSI, federal, state, and local assistance programs), SNAP (food stamps), Medicaid, or Housing assistance (public housing, Section 8 housing vouchers, or rental assistance).

Some groups of people are excluded under the new Public Charge Rule. These groups are: asylees, refugees, applicants for U or T visas, applicants for Special Immigrant Juvenile Status, VAWA self-petitioners, United States Citizens (including naturalized citizens), legal permanents

residents (green card holders), applicants for temporary protected status, and applicants for the Cuban Adjustment Act.

There remain some benefits that are not included in the new rule. **If an individual receives any of the following, it will not affect their public charge determination:** benefits received by U.S. Armed Force Service Members, emergency medical care, WIC, CHIP, Pell Grants and Federal Student Loans, Tax-related cash benefits, unemployment benefits, Social Security, Medicare, Medicaid received: a) by children under 21 years of age; b) during pregnancy or within 60 days of pregnancy; c) by individuals with Disabilities Education Act, and health insurance under the Affordable Care Act.

It is the view of The Immigration Project that this new rule places undue burden on certain demographics, including but not limited to: children, the elderly, and the disabled. That aside, the new rule has new evidence requirements which drastically increase the amount of work, documentation, and time required for each individual case. Ultimately, this change makes it much more difficult for low-income immigrants to become lawful permanent residents by the creation of additional barriers to admissibility.

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